

FILED

AUG 27 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CORRINE ANNE YELLOW OWL,

Defendant.

CR 08-37-GF-DLC

ORDER

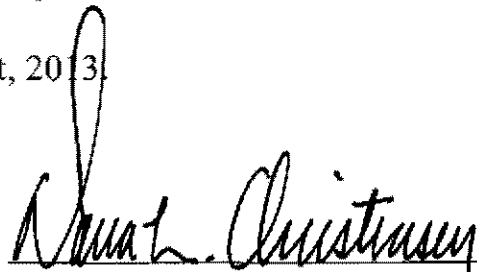
This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on August 7, 2013. Defendant admitted she had violated Special Condition 5 by consuming alcohol. Judge Strong found the admission sufficient to establish the supervised release violation. He recommended that this Court revoke Defendant's supervised release and commit her to the custody of the United States Bureau of Prisons for a term of imprisonment of 12 months, with no supervised release to follow. No objections were filed by either party. Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. Commodore Bus.*

Mach, Inc., 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's findings and recommendations. Defendant admitted that she violated Special Condition 5. Defendant could be imprisoned up to 24 months, and she could be required to serve up to 27 months on supervised release, less any custodial time imposed. The United States Sentencing Guidelines call for a term of imprisonment of 3 to 9 months. A sentence of 12 months in custody followed by no supervised release is appropriate as this is Defendant's second revocation for consuming alcohol, the underlying offense was alcohol related, and the previous and current supervised release violations demonstrate that supervised release is not effective.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 66) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 27th day of August, 2013.

A handwritten signature in black ink, appearing to read "Dana L. Christensen", is written over a horizontal line.

Dana L. Christensen, Chief Judge
United States District Court